

ASFO NEPA DOCUMENT ROUTING SHEET

Number: DNA-AZ-011-2005-0053

Project Title: Western Mining and Minerals Mine Plan Modification

Project Lead: Rody Cox

Date that concurrent, electronic distribution for review was initiated: August 29, 2005

Deadline for receipt of responses: September 19, 2005

Required Reviews:

Gloria Benson, Native American Coordinator

Tom Folks, Recreation

Laurie Ford, Lands/Realty/Minerals

Becky Hammond, Office Manager

Michael Herder, Wildlife

John Herron, Cultural

Lee Hughes, Plants

Ray Klein, GCPNM Supervisory Ranger

Linda Price, S&G

Bob Sandberg, Range

Richard Spotts, Environmental Coordinator

Ron Wadsworth, Supervisory Law Enforcement

Discretionary Reviews:

Bob Smith, Hazardous Materials

Worksheet
Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

DNA-AZ-110-2005-0053

A. **BLM Office:** Arizona Strip Field Office **Lease/Serial/Case File No.** AZA-30114

Proposed Action Title/Type: Western Mining and Minerals Mine Plan Modification

Location of Proposed Action: T. 41 N, R. 12 W., Section 19

Description of the Proposed Action: The proposed modifications include, upgrading the mine facilities, relocating office, maintenance building, truck scales and processing plant. The site modifications needed to achieve the upgrade include relocating a fence line, cattle guard, constructing a water diversion dike, installing culverts and constructing a new access road. Communication facilities, including a microwave radio, tower and land lines to provide service solely to the mine would be approved under the mine plan modification, unless they are owned by a third party in which case the third party would need a separate Right-Of-Way. The installation of a power line to the mine has already been approved by the BLM under a Right-Of-Way.

Applicant (if any): Western Mining and Minerals, 225 N. Bluff St., Suite 8, St. George, Utah

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

Arizona Strip District Resource Management Plan and Final Environmental Impact Statement (1992)

Shivwits Resource Area Implementation Plan for the Arizona Strip District Approved Resource Management Plan (1992)

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Arizona Strip District Resource Management Plan and Final Environmental Impact Statement (1992). This document provides the following management guidance: "Exploration and development of locatable mineral resources are provided for by the Mining Law of 1872. 43 CFR 3809 provides for mineral exploration and development while assuring that activities are conducted in a manner that prevents unnecessary or undue degradation, provides protection of non-mineral resources, and provides for reclamation of disturbed areas." The Resource Management Plan (RMP) states further, "2,570,200 acres would be open to mineral entry. Reclamation stipulations would be added to exploration and development plans directed toward maintaining naturalness and unique features and/or remoteness on the Arizona Strip. These stipulations would be applied to site-specific proposals. Plans of operations would be required in

ACECs and areas closed to OHV.” The Shivwits Resource Area Implementation Plan states: Approximately 1,374,600 acres would be open to mineral entry.” The mine and mining claims are located on lands open to the operation of the Mining Law.

The General Mining Law of 1872, as amended, the Federal Land Policy and Management Act of 1976, and the National Environmental Policy Act of 1969, as amended, provide the legal and regulatory framework for activities on mining claims.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

Environmental Assessment Western Gypsum Proposed Plan Of Operations AZA-30114-97-01P, EA-AZ-010-97-14

Decision Record Western Gypsum Proposed Plan Of Operations AZA-30114-97-01P, DR-AZ-010-97-14, July 9, 1997.

Environmental Assessment For The Dixie Escalante Rural Electric Association, Inc. Western Mining and Minerals 7.2/12.5 kV Power Line Construction Project, EA-AZ-110-2005-0044, FONSI/DR, July 12, 2005.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

☒ Yes

☐ No

Documentation of answer and explanation:

The current proposal is same action that was previously analyzed. The processing plant would be upgraded and relocated along with the office building, maintenance building and scales. A new access road would be created. The old access road and areas no longer needed for operations would be reclaimed.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

☒ Yes

☐ No

Documentation of answer and explanation:

Three alternatives were analyzed in EA-AZ-010-97-14. The proposed action, continued mine expansion, (excluding the Domtar Ridge open pit mine, which is currently being mined) and the no action alternative as required by the Council of Environmental Quality guidelines, specified in 40 CFR 1502.14(d). However, the BLM may not absolutely forbid mining of, or totally bar access to, a valid mining claim (Southwest Resource Council, 96 IBLA 105, 120 (1987)). In order to accept the No Action Alternative, BLM would have to show that the claims proposed for mining are not valid and contest the claims. These three alternatives remain appropriate for the current proposal since there has only been minor changes in environmental concerns, interests, resource values and other circumstances.

3. Is existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

☒ Yes

☐ No

Documentation of answer and explanation:

There are no changes with respect to threatened, endangered, proposed, candidate, and sensitive species nor are there any new designations in the affected area. Very little new information or circumstances exists since substantially the same action was last analyzed, therefore all new information and all new circumstances are considered insignificant with regard to analysis of the proposed action.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

☒ Yes

☐ No

Documentation of answer and explanation:

The methodology and analytical approach used in EA-AZ-010-97-14 is the same as those used in current NEPA documents and continues to be appropriate for the current proposed action.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?

☒ Yes

☐ No

Documentation of answer and explanation:

The direct and indirect impacts of the current proposed action are substantially unchanged from those identified in EA-AZ-010-97-14. EA-AZ-010-97-14 analyzed impacts related to the current proposal at a project level, which is a level of specificity appropriate for the current proposal.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

☒ Yes

☐ No

Documentation of answer and explanation:

EA-AZ-010-97-14 found there would be impacts to air quality, soil, vegetation and visual resources over the life of the mine. The current proposal is substantially the same as the analyzed action. Therefore, no additional analysis or information is needed to conclude the cumulative impacts from the current proposal are substantially unchanged from those analyzed in EA-AZ-010-97-14.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

☒ Yes

☐ No

Documentation of answer and explanation:

The public involvement and interagency review associated with EA-AZ-010-97-14 included mailing the draft EA to the following individuals and agencies for comment:

Ms. T. Adams, Kingman; Mr. Myron Jones, Grazing Permittee; Mr. Darrell Blake, Grazing Permittee; Southern Utah Wilderness Alliance, Mohave County Public Land Use Committee, Arizona Game and Fish Department, Arizona Department of Environmental Quality, Arizona State Historic Preservation Office, Western Gypsum, Inc., Chemehuevi Tribe, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab Paitue Tribe, Moapa Band of Paiute Indians, Navajo Nation, San Juan Southern Paiute, Shivwits Paiute Band. One individual and two agencies commented on the draft NEPA document during the 30 day comment period. Their comments were

addressed in EA-AZ-010-97-14. This level of public involvement remains appropriate since the proposed mine modifications are not substantially different than the existing mine.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Gloria Benson	Native American Coordinator	Native American Nations
Rody Cox	Geologist	Minerals, Geology
Tom Folks	Recreation Planner	Recreation, Wilderness, VRM
Laurie Ford	Realty Specialist	Lands, Realty, Minerals
Becky Hammond	Field Office Manager	Management
John Herron	Archeologist	Cultural
Michael Herder	Wildlife Biologist	T & E Animals
Lee Hughes	Ecologist	T & E Plants
Ray Klein	GCPNM Supervisory Ranger	Law Enforcement
Linda Price	Range Conservationist	Standards & Guides, Range
Bob Smith	Soil, Water, Air Specialist	Hazardous Materials
Richard Spotts	Environmental Coordinator	NEPA
Ron Wadsworth	Supervisory LEO	Law Enforcement

<u>Name</u>	<u>Comments</u>	<u>Signature</u>	<u>Date</u>
Gloria Benson	No comments	Yes	8/30/05
Rody Cox	Processed proposal	Yes	8/29/05
Tom Folks	No comments		
Laurie Ford	No comments or issues	Yes	8/29/05
Becky Hammond	No concerns	Yes	9/27/05
John Herron	No comments	Yes	8/30/05
Michael Herder	No concerns	Yes	8/31/05
Lee Hughes	No affect	Yes	8/31/05
Ray Klein	No response		
Linda Price	Livestock permittee should be contacted	Yes	9/28/05
Bob Smith	No comments or concerns	Yes	8/30/05
Richard Spotts	DNA revised based on comments	Yes	9/12/05
Ron Wadsworth	No concerns	Yes	8/30/05

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

The following mitigation measures were incorporated into the existing NEPA documents:

1. The operator will comply with all applicable federal and state laws and regulations. Western Gypsum will obtain all permits required by the state of Arizona and provide copies to the BLM. Compliance with permit requirements is mandatory.

2. All fugitive emissions from this operation will be kept in compliance with Arizona Administrative Code R18-2-406, which requires spray bars, dust suppressants, and the like to prevent excessive amounts of particulate from becoming airborne. Compliance with Arizona Department of Environmental Quality (ADEQ) orders is mandatory as ADEQ has enforcement jurisdiction for the Clean Air Act. Western Gypsum's Air Quality Control permit from ADEQ states that *the permittee shall not be allowed to discharge into the atmosphere any process fugitive emissions which exhibit visible emissions~greater than 100 opacity*. Fresh water will be used to control dust while mining, crushing, transporting and road grading. Water misters in the crushers and along the conveyor belts must be utilized to suppress dust. Use of dust palliatives such as chlorides, oils, or other chemicals shall require prior approval of the BLM Authorized Officer.
3. The boundary of the area to be disturbed must be marked on the ground with steel posts and flags before mining begins and must be maintained for reference during mining. Should additional activity or surface disturbance be required, an amendment must be submitted for approval by the BLM Authorized Officer. No roads will be built except as shown on the plan of operation map or within the boundary.
4. Should cultural resources or threatened or endangered plant or animal species be discovered during mining activities, operations in that area must cease and the BLM Authorized Officer contacted immediately.
5. Should the mine undergo a period of non-operation, the BLM Authorized Officer will be contacted immediately. The site will be maintained in a safe and clean manner during non-operation.
6. During operations, the existing soil stockpiles will be signed and identified.
7. The mine site will be kept clean and all refuse will be removed and placed in an approved landfill. All state requirements for waste disposal will be complied with. All motor oil and lubricant spills and oil-soaked soil must be cleaned up immediately and disposed of in an authorized disposal site.
8. Warning and directional signs will be placed to warn the public of heavy truck traffic and to provide directions for travel on the Black Rock road.
9. Western Gypsum is responsible for maintaining the existing access road used by their mining operations and the haul trucks. Roadway widths shall not be increased nor alignment changes made without approval of the BLM Authorized Officer.
10. During road maintenance, the existing road shall be bladed with a center crown to allow water to drain off the road surface as quickly as possible. The crown shall have $\frac{3}{4}$ to $\frac{1}{2}$ inches of height for every $\frac{1}{2}$ foot of road width. Any gravel placed on the existing roads shall not be more than 6 inches thick.
11. Existing roads, structures, cattle guards, fences or drainage facilities, which are damaged by the mining activity, shall be replaced or repaired to a condition equal to or better than that which existed before the start of the project.

12. Cattle must be controlled at the fence by either a cattle guard or a gate.

13. Any mining or processing equipment not at the present Gypsum City mine must be power or steam cleaned before being brought onto the site to prevent the spread of any noxious weed seeds. If noxious weeds do occur on the site, Western Gypsum must immediately remove the plants and/or treat the area to stop seed production.

14. Existing roads or trails on public lands around the mine site will not be blocked or access denied except for brief periods of time while blasting. Warning signs or personnel on the Black Rock road will be supplied by the company.

15. Reclamation at Domtar Ridge will include partial backfilling of any pits that are developed. The area will then be contoured into natural-looking slopes. Soil and waste fines will be spread across the area for a growth medium and the site scarified to loosen the soil. Drill seeding must be done with an appropriate mix of certified noxious weed-free seed between November 1 and January 31 the first year after mining ends. The areas must be fenced to protect from livestock and OHV's for four years after seeding.

16. Disturbed areas at the Gypsum City mine, except for the staging, crusher and scale areas, must be contoured, harrowed and seeded within one year after mining starts at Domtar Ridge. All remaining areas must be reclaimed within two years so that the entire Gypsum City mine site will be rehabilitated. Drill seeding must be done with an appropriate mix of certified noxious weed-free seed between November 1 and January 31 within the two-year period.

CONCLUSIONS

Based on the review documented above, I conclude that:

Plan Conformance:

- ☐ This proposal conforms to the applicable land use plan.

Determination of NEPA Adequacy

- ☐ The existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Signature of the Responsible Official

Date